

**CITY COUNCIL MEETING
SEPTEMBER 17, 2002**

Date & Time	On the 17 th day of September, A.D., 2002, the City Council of the City of Fort Worth, Texas, met in regular session at 10:03 a.m. in the City Council Chamber, 1000 Throckmorton, with the following members and officers present:
Attendance	Mayor Kenneth Barr; Mayor Pro tempore Ralph McCloud; Council Members Chuck Silcox, Becky Haskin, Frank Moss, Clyde Picht, and Wendy Davis; City Manager Gary Jackson; City Attorney David Yett; City Secretary Gloria Pearson. Council Members Jim Lane and Jeff Wentworth were absent. With more than a quorum present, the following business was transacted:
Invocation	The invocation was given by Father Jonathan Ogujiufor, St. Simon of Cyrene Episcopal Church.
Pledge	The Pledge of Allegiance was recited.
Minutes	On motion of Council Member Silcox, seconded by Council Member Haskin, the minutes of the regular meeting of September 10, 2002, were approved unanimously.
Special Presentations	<p>Council Member Davis presented a Proclamation for National Hispanic Heritage Month.</p> <p>Council Member Moss presented a Proclamation for World Habitat Day in the United States.</p> <p>Ms. Jane Schlansker, President-Elect, Fort Worth Sister Cities International, presented the visiting Student Delegation from Nagaoka, Japan participating in the Ambassador Middle School Program and the visiting delegation from Reggio Emilia City Council Members. Representatives from each delegation were presented with City pins and presented gifts from their cities to the Council.</p>
Announcements	<p>Council Member Davis announced that on September 24, 2002, at 7:30 a.m. a Hispanic Heritage Month Celebration Breakfast would be held at the Fort Worth Convention Center.</p> <p>Council Member Picht announced that he attended a performance of the Fort Worth Symphony Orchestra September 13, 2002. He expressed gratitude to Mr. Ed Bass for the beautiful venue, symphony's Music Director, Miguel Harth-Bedova, and the members of the orchestra for the outstanding performance.</p>

Council Member Moss announced that the Stop Six Heritage Days would be held at the MLK Center September 21, 2002, from 11:00 a.m. to 4:00 p.m. and invited everyone to attend. He also announced that the Ramey Place Development would hold its ground breaking September 23, 2002, at 10:00 a.m. in the 6000 Block of Ramey Avenue in the historic Stop Six Empowerment Zone.

Mayor Pro tempore McCloud invited everyone to participate in the "Take a Loved One to the Doctor" day September 24, 2002. He stated that health care providers had been informed of this event and were prepared to receive calls for appointments.

**Withdrawn from
Consent Agenda** **Council Member Picht requested Mayor and Council Communication G-13739 be withdrawn from the consent agenda.**

City Manager Jackson requested that Mayor and Council Communication Nos. G-13735 and G-13736 be withdrawn from the consent agenda.

**Continued/
Withdrawn By
Staff** **City Manager Jackson requested that Mayor and Council Communication Nos. G-13728 and G-13731 be continued for one week.**

City Attorney Yett requested that Mayor and Council Communication No. G-13730 be continued until October 22, 2002.

Consent Agenda **On motion of Council Member Silcox, seconded by Mayor Pro tempore McCloud, the consent agenda, as amended, was adopted unanimously.**

**OCS-1305
Claims** **There was presented Mayor and Council Communication No. OCS-1305 from the Office of the City Secretary recommending that the City Council refer notices of claims regarding alleged damages and/or injuries to the Finance/Risk Management Department. It was the consensus of the City Council that the recommendation be adopted.**

**OCS-1306
Res. #2869
Setting Regular
Zoning Hearing** **There was presented Mayor and Council Communication No. OCS-1306 from the Office of the City Secretary recommending that the City Council adopt Resolution No. 2869 setting the regular zoning hearing for October 8, 2002. Council Member Moss made a motion, seconded by Council Member Davis that the recommendation be adopted. The motion carried unanimously.**

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| G-13728
Continued for
One Week | It was the consensus of the City Council that Mayor and Council Communication No. G- 13728, dated September 10, 2002, Broker of Record Agreement with Palmer & Cay of Texas, Inc., be continued for one week. |
| G-13730
Continued Until
October 22, 2002 | It was the consensus of the City Council that Mayor and Council Communication No. G-13730, dated September 10, 2002, Amendment of Ordinance No. 13543, as Amended by Ordinance Nos. 13672, 13673, 13674, and 13842 Codified as Chapter 2, Article VI, Division 1 Entitled "Employees' Retirement Fund", of the Code of the City of Fort Worth, to Establish a Deferred Retirement Option Program and to Provide Members with an Opportunity to Purchase Credited Service by Paying the Actuarial Cost for a Buy-Up Option, be continued until October 22, 2002. |
| G-13731
Continued for
One Week | It was the consensus of the City Council that Mayor and Council Communication No. G-13731, dated September 10, 2002, Adoption of Fiscal Year 2002-2003 Schedule of Rates and Charges for the City of Fort Worth Airports, be continued for one week. |
| G-13731 Revised
Continued for
One Week | It was the consensus of the City Council that Mayor and Council Communication No. G-13731 Revised, Adoption of Fiscal Year 2002-2003 Schedule of Rates and Charges for the City of Fort Worth Airports, be continued for one week. |
| G-13733
Ord. #15241
Amend Sections
16-101 & 16-131
of Health Code -
Mobile Food
Vendors | There was presented Mayor and Council Communication No. G-13733 from the City Manager recommending that the City Council adopt Ordinance No. 15241 amending the Code of the City of Fort Worth (1986), as amended, Chapter 16, "Health and Sanitation", Article IV, Section 16-101 and Section 16-131, "Food and Food Establishments Generally", providing a definition for commercially manufactured vehicle; providing for sanitary standards; requiring mobile food units handling open potentially hazardous food to be commercially manufactured; providing for restroom requirements; providing that this ordinance is cumulative; providing for a severability clause; providing a fine up to \$2,000.00 for each offense in violation of the ordinance. It was the consensus of the City Council that the recommendation be adopted. |
| G-13734
Res. #2870
PID Tax
Collection
Services | <p>There was presented Mayor and Council Communication No. G-13734 from the City Manager recommending that the City Council:</p> <ol style="list-style-type: none">1. Authorize the City Manager to execute an agreement between the Tarrant County Tax Assessor-Collector and the City of Fort Worth for providing collection services of Fort |

Worth Public Improvement District (PID) taxes levied by the City for the Year 2002, which covers the period October 1, 2002, to September 30, 2003; and

- 2. Adopt Resolution No. 2870 authorizing additional penalty on delinquent Fort Worth PID taxes under Section 33.08, Tax Code.**

It was the consensus of the City Council that the recommendation be adopted.

**G-13735
Delayed Until
End of Agenda**

There was presented Mayor and Council Communication No. G-13735 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to apply for a one-year grant for up to \$123,000.00 to expand the Fire Department, Fire Safety Education Program; and**
- 2. Authorize the City Manager, subject to grant receipt, to enter into an agreement with the Federal Emergency Management Agency (FEMA) and adhere to grant specifications; and**
- 3. Authorize the City Manager to waive the collection of actual indirect costs, 29.95 percent of grant award, but recognize a like amount as in-kind contributions for a portion of the City's matching requirements for this grant; and**
- 4. Adopt an Appropriation Ordinance increasing estimated receipts and appropriations in the Grants Fund in the amount of \$123,000.00 subject to the receipt of funds from the Federal Emergency Management Agency, for the purpose of funding the expansion of the Fire Department's Fire Safety Education Program; and**
- 5. Approve the use of \$36,900.00 in in-kind donations.**

City Manager Jackson stated that the M&C needed to be amended to reflect the following changes:

Recommendation Section:

- a. Paragraph 1: "\$123,000.00" should be "\$205,350.26"**
- b. Paragraph 4: "\$123,000.00" should be "\$205,350.26"**
- c. Paragraph 5: "\$ 36,900.00" should be "\$ 61,605.08"**

Discussion Section:

- a. First paragraph: After "...various..." delete remainder of sentence and replace with "...schools, institutions, and events (such as Mayfest and Main Street Arts Festival)."
- b. Third paragraph: "\$86,100.00" should be "\$143,745.18" and "120" should be "127".

Several Council Members expressed concern that they did not receive the amendments to the M&C and requested that action on this M&C be delayed until the end of the agenda.

Council Member Davis made a motion, seconded by Council Member Haskin, to delay action on this M&C until the end of the agenda. The motion carried unanimously.

**G-13736
Delayed Until
End of Agenda**

There was presented Mayor and Council Communication No. G-13736 from the City Manager recommending that the City Council:

1. Authorize the City Manager to apply for and accept, if awarded, a grant from the Federal Aviation Administration (FAA) in the amount of \$4,000,000.00 for cargo apron and taxi lane improvements at Fort Worth Alliance Airport; and
2. Authorize the use of land credits in the amount of \$444,444.00 for the City's in-kind local match; and
3. Authorize the City Manager to execute a grant agreement with the FAA outlining the terms and conditions regarding use of the grant funds; and
4. Adopt an Appropriation Ordinance increasing estimated receipts and appropriations in the Grants Fund in the amount of \$4,444,444.00 subject to receipt of the grant from the Federal Aviation Administration, for the purpose of funding cargo apron and taxi lane improvements at Fort Worth Alliance Airport.

Council Member Picht made a motion, seconded by Mayor Pro tempore McCloud, to delay action on this M&C until the end of the agenda. The motion carried unanimously.

**G-13737
Ord. #15242
Grant from FAA
for Phase II:
Taxiway "H"
Repair at FW
Alliance Airport**

There was presented Mayor and Council Communication No. G-13737 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to apply for and accept, if awarded, a grant from the Federal Aviation Administration (FAA), in the amount of \$245,122.00, for engineering services and pavement repairs to a portion of Taxiway "H" at Fort Worth Alliance Airport; and**
- 2. Authorize the use of land credits in the amount of \$27,236.00 for the City's in-kind match; and**
- 3. Adopt Appropriation Ordinance No. 15242 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$272,358.00 subject to receipt of the grant from the Federal Aviation Administration, for the purpose of funding Phase II: Taxiway "H" repair at Fort Worth Alliance Airport.**

It was the consensus of the City Council that the recommendation be adopted.

**G-13738
Ord. #15243
Transfer of
General Fund
Monies for
Continuation of
Ongoing Parks
& Community
Services Capital
Projects**

There was presented Mayor and Council Communication No. G-13738 from the City Manager recommending that the City Council approve the transfer of \$571,392.00 from the General Fund to the Park Improvements Fund; and adopt Appropriation Ordinance No. 15243 increasing estimated receipts and appropriations in the Park Improvements Fund in the amount of \$571,392.00 from available funds for the purpose of funding ongoing parks and community services capital projects. It was the consensus of the City Council that the recommendation be adopted.

**G-13739
Continuation of
FW Golf
Advisory
Committee &
Reappointment
of Current
Members**

There was presented Mayor and Council Communication No. G-13739 from the City Manager recommending that the City Council approve the continuation of the Fort Worth Golf Advisory Committee for one additional year; and authorize the reappointment of the current members of the Fort Worth Golf Advisory Committee.

Council Member Picht recognized members of the Golf Advisory Committee (GAC) who were in attendance.

Council Member Haskin expressed appreciation to the members of the committee for their commitment over the past year to develop this new committee. She added that there was a lack of diversity on the committee and asked that this be considered when appointments were made in 2003.

City Attorney Yett advised Council that he was not familiar with the by-laws of the GAC, but that the language in the M&C relative to the number of committee meetings that could be held each month was not binding.

Council Member Picht made a motion, seconded by Council Member Silcox, that Mayor and Council Communication No. G-13739 be approved. The motion carried unanimously.

Mayor Barr asked the Council Members to meet with their respective appointees to the GAC relative to sub-committee meetings.

Public Hearing

It appeared that the City Council set today as the date for a public hearing for a request of variance from Section 4-4 of the City Code to allow sale of alcoholic beverages at Smart and Final Mart located at 1203 Oak Grove Road. Mayor Barr asked if there was anyone present desiring to be heard.

Ms. Marcella Olson, Assistant City Attorney, appeared before Council, gave a staff report and called attention to Mayor and Council Communication No. G-13740, as follows:

**G-13740
Continued for
One Week**

There was presented Mayor and Council Communication No. G-13740 from the City Manager recommending that the City Council approve the request from Mr. Billy Lewis, on behalf of Smart and Final Mart, located at 1203 Oak Grove Road, for a variance from Section 4-4 of the City Code prohibiting the sale of alcoholic beverages within 300 feet of a church.

City Manager Jackson stated that the recommendation section of the M&C needed to be corrected to replace "...approve" with "...consider".

Billy Lewis

Mr. Billy Lewis, 1203 Oak Grove Road, appeared before Council in support of the variance. He stated that the store had always sold alcoholic beverages and that the Highland Hills Neighborhood Association voted 17 to 2 to allow alcoholic beverage sales.

Council Member Davis inquired what Council's authority was relative to restriction of 40-ounce bottle sales at this store.

City Attorney Yett stated that such authority was regulated by the State; the City only had distance authority.

There being no one else present desiring to be heard in connection with the request of variance from Section 4-4 of the City Code to allow sale of alcoholic beverages at Smart and Final Mart located at 1203 Oak Grove Road, Mayor Pro tempore McCloud commended Mr. Lewis on his responsiveness to address the concerns of the community and made a motion, seconded by Council Member Silcox, to continue Mayor and Council Communication No. G-13740 for one week to allow staff time to determine specific limitations by the City on sale of 40-ounce containers and whether the variance could be particular only to this owner and not transferable to the next owner. The motion carried unanimously.

**G-13741
Financial
Management
Policy
Statements**

There was presented Mayor and Council Communication No. G-13741 from the City Manager recommending that the City Council review and adopt the Financial Management Policy Statements which include the City's investment policy and investment strategy. Council Member Silcox made a motion, seconded by Council Member Davis, that the recommendation be adopted. The motion carried unanimously.

**G-13742
Ord. #15244
Accept Funds
from Sam's Club
Foundation for
Fire Safety
House**

There was presented Mayor and Council Communication No. G-13742 from the City Manager recommending that the City Council accept funds in the amount of \$1,200.00 from the Sam's Club Foundation; and adopt Appropriation Ordinance No. 15244 increasing estimated receipts and appropriations in the Special Trust Fund in the amount of \$1,200.00 from available funds for the purpose of funding a fire safety house. Council Member Davis made a motion, seconded by Council Member Haskin, that the recommendation be adopted, with appreciation. The motion carried unanimously.

**G-13743
Ord. #15245
Amend Sections
20-141 Through
20-144 of City
Code to
Regulate Door-
to-Door Sales of
Food, Goods,
Services or
Merchandise
within City
Limits &
Deleting
Sections 20-145
through 20-148**

There was presented Mayor and Council Communication No. G-13743 from the City Manager recommending that the City Council adopt Ordinance No. 15245 amending the Code of the City of Fort Worth, by Amending Chapter 20, "Licenses, Miscellaneous Business Regulations", Article IV, "Vendors", Division 1, "Itinerant Vendors", to change the name of Division 1 to "Door-to-Door Vendors", amending Sections 20-141 through 20-144 to apply to door-to-door sales only and to require the registration of all door-to-door vendors; repealing Sections 20-145 through 20-148. Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried unanimously.

Mayor Barr requested that, in the future, City Attorney Yett provide Council with a redlined copy of deleted language.

**P-9669
Traffic Signal
Heads**

There was presented Mayor and Council Communication No. P-9669 from the City Manager recommending that the City Council authorize a purchase agreement with U.S. Traffic Corporation for traffic signal heads for the Transportation and Public Works Department based on the low bid, with shipping included in the unit cost and payment due 30 days after receipt of the invoices; and authorize this agreement to begin September 17, 2002, and expire September 16, 2003, with options to renew for two additional one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**P-9670
Water Treatment
Chemicals**

There was presented Mayor and Council Communication No. P-9670 from the City Manager recommending that the City Council authorize a purchase agreement with multiple vendors to provide water treatment chemicals for the Water Department based on the low bid of unit prices with payments due 30 days from the date of the invoice and freight cost included in the bid; and authorize this agreement to begin September 17, 2002, and expire September 16, 2003, with options to renew for two successive one-year periods. It was the consensus of the City Council that the recommendation be adopted.

**P-9671
Niton XL-309
Dual Detector
Spectrum
Analyzer with
Accessories**

There was presented Mayor and Council Communication No. P-9671 from the City Manager recommending that the City Council authorize the sole source purchase from Houston Analytical Systems Company of a Niton LX-309 Dual Detector Spectrum Analyzer with accessories for the Housing Department's Area Lead Education Reduction and Training (ALERT) program in an amount

not to exceed \$25,855.00, with prepaid shipping costs added to the invoice and payment due 30 days from the date of the invoice. It was the consensus of the City Council that the recommendation be adopted.

**P-9672
Ford Expedition**

There was presented Mayor and Council Communication No. P-9672 from the City Manager recommending that the City Council authorize the purchase of a Ford Expedition from Houston Galveston Area Council (HGAC) for the Health Department at a cost not to exceed \$28,016.23 with payment due within 30 days of the date of the invoice and freight included in the unit price. It was the consensus of the City Council that the recommendation be adopted.

**L-13404
Waterline
Easements**

There was presented Mayor and Council Communication No. L-13404 from the City Manager recommending that the City Council approve the acceptance of two waterline easements described as A-1362, JN Reed Survey, and A-1497, Benjamin Thomas Survey, Tarrant County, Texas, from Oncor Electric Delivery Company and JLM of Tampa, Inc., respectively, located south of Bonds Ranch Road and along Business US Highway 287 for the Chapel Hill offsite project (DOE 3733) needed as right-of-way to install, construct, maintain and modify all pipes, lines, meters and any other appurtenance over and across the properties, for a total cost of \$20.00. It was the consensus of the City Council that the recommendation be adopted.

**PZ-2414
Institution of
Annexation for
Limited Purposes
of 214.75 Acres in
the J. Burleson
Survey and the W.
Houston Survey
(Linkwood
Estates)
AX-02-0005**

There was presented Mayor and Council Communication No. PZ-2414 from the City Manager recommending that the City Council institute the annexation for limited purposes of approximately 214.75 acres in the J. Burleson Survey, Abstract No. 78, and the W. Houston Survey, Abstract No. 719 (Linkwood Estates) (Case. No. AX-02-0005); and continued consideration of adoption of the limited purpose annexation ordinance to the regular City Council meeting on October 1, 2002. Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Haskin, Moss, and Davis

NOES: Council Members Silcox and Picht

ABSENT: Council Members Lane and Wentworth

**PZ-2415
Institution of
Annexation for
Limited Purposes
of 198.25 Acres
in the S. H. Pettit
Survey (El
Rancho Estates)
AX-02-0006**

There was presented Mayor and Council Communication No. PZ-2415 from the City Manager recommending that the City Council institute the annexation for limited purposes of approximately 198.25 acres in the S. H. Pettit Survey, Abstract No. 1234 (El Rancho Estates) (Case No. AX-02-0006); and continued consideration of adoption of the limited purpose annexation ordinance to the regular City Council meeting on October 1, 2002. Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the recommendation be adopted.

The following individuals appeared before Council in opposition of the annexation of El Rancho Estates:

**Greg Davis,
Melton Luttrell,
Gary Havener,
John Benoist**

Mr. Greg Davis	565 Diamond Bar Trail, Aledo, TX
Mr. Melton Luttrell	435 Horseshoe Trail West, Aledo, TX
Mr. Gary Havener	4008 Lost Creek Blvd, Aledo, TX
Mr. John Benoist	460 Horseshoe Trail, Aledo, TX

City Manager Jackson stated that staff would respond to the economic concerns raised by these individuals at the October 1, 2002 City Council meeting.

Council Member Davis expressed appreciation to Mr. Havener for providing her a copy of the deed restrictions. She stated that the deed restrictions did not address restrictions for business parcels or preclude residential parcels from being subdivided. She requested Mr. Havener provide that information for Council review.

The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Haskin, Moss, and Davis

NOES: Council Members Silcox and Picht

ABSENT: Council Members Lane and Wentworth

**PZ-2416
Institution of
Annexation for
Full Purposes of
339.5 Acres in J.
Burleson Survey,
C.K. Gleason
Survey, J.
Johnson Survey,
B.P. Richardson
Survey, & W.W.
Garrett Survey
(Waste
Management
Landfill)
AX-02-0007**

There was presented Mayor and Council Communication No. PZ-2416 from the City Manager recommending that the City Council institute the annexation for full purpose of approximately 339.5 acres in the J. Burleson Survey, Abstract No. 78, the C. K. Gleason Survey, Abstract No. 559, the J. Johnson Survey, Abstract No. 871, the B. P. Richardson Survey, Abstract No. 1374, and the W. W. Garrett Survey, Abstract No. 1951 (Waste Management Landfill) (Case No. AX-02-0007); and continued consideration of the adoption of the annexation ordinance to the regular City Council meeting on October 1, 2002. Mayor Pro tempore McCloud made a motion, seconded by Council Member Moss, that the recommendation be adopted. The motion carried unanimously.

**C-19240
Amon Carter
Museum**

There was presented Mayor and Council Communication No. C-19240 from the City Manager recommending that the City Council authorize the City Manager to enter into a standard consent agreement with Amon Carter Museum authorizing use of the right-of-way for the installation of bollards. It was the consensus of the City Council that the recommendation be adopted.

**C-19241
Northside
Laundry**

There was presented Mayor and Council Communication No. C-19241 from the City Manager recommending that the City Council authorize the City Manager to enter into a standard consent agreement with Northside Laundry for use of the right-of-way to install a lint filter. It was the consensus of the City Council that the recommendation be adopted.

**C-19242
Renaissance
Worthington
Hotel**

There was presented Mayor and Council Communication No. C-19242 from the City Manager recommending that the City Council authorize the City Manager to enter into a standard consent agreement with Renaissance Worthington Hotel authorizing use of the right-of-way for awnings located at 200 Main Street. It was the consensus of the City Council that the recommendation be adopted.

**C-19243
Sara J. Darwin &
Charlotte
Powers**

There was presented Mayor and Council Communication No. C-19243 from the City Manager recommending that the City Council authorize the City Manager to enter into a homeowner's consent agreement with Sara J. Darwin and Charlotte Powers for use of the right-of-way to complete the installation of a fence five feet from the curb in the 5700 block of Danciger Drive. It was the consensus of the City Council that the recommendation be adopted.

**C-19244
Ord. #15246
J. L. Bertram
Construction &
Engineering, Inc.**

There was presented Mayor and Council Communication No. C-19244 from the City Manager recommending that the City Council:

1. Authorize the City Manager to transfer \$469,478.19 from the General Fund to the Contract Street Maintenance Fund; and
2. Adopt Appropriation Ordinance No. 15246 increasing estimated receipts and appropriations in the Contract Street Maintenance Fund in the amount of \$469,478.19 for the purpose of funding a portion of the 2001-2002 Street Maintenance Program; and
3. Authorize the City Manager to execute a contract with J. L. Bertram Construction & Engineering, Inc. in the amount of \$833,690.95 for HMAC Surface Overlay 2002-19 for 60 working days.

It was the consensus of the City Council that the recommendation be adopted.

**C-19245
Change Order #1
to CSC #27609 –
Gibson &
Associates, Inc.**

There was presented Mayor and Council Communication No. C-19245 from the City Manager recommending that the City Council authorize the City Manager to execute Change Order No. 1 to City Secretary Contract No. 27609 with Gibson & Associates, Inc. in the amount of \$84,537.36 for Bridge Repair and Repainting at Various Locations (2002-10), thereby increasing the total contract amount to \$442,061.36. It was the consensus of the City Council that the recommendation be adopted.

**C-19246
Southcrest
Corporation**

There was presented Mayor and Council Communication No. C-19246 from the City Manager recommending that the City Council authorize the City Manager to execute a contract with Southcrest Corporation for the base bid (less alternates 3, 4, 6, 7, 8, and 9) in the amount of \$1,826,977.00 for renovation of the old James Guinn Middle School Gymnasium and Industrial Arts Building to serve as an incubator for start-up technology businesses. It was the consensus of the City Council that the recommendation be adopted.

**C-19247
Westhill
Construction,
Inc.**

There was presented Mayor and Council Communication No. C-19247 from the City Manager recommending that the City Council authorize the City Manager to execute a third annual contract with Westhill Construction, Inc. in the amount of \$45,350.00 for the construction of speed humps, raised crosswalks, speed cushions, and sidewalk ramps at various locations. It was the consensus of the City Council that the recommendation be adopted.

**C-19248
Cobourn
Linseisen &
Ratcliff, Inc.**

There was presented Mayor and Council Communication No. C-19248 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with Cobourn Linseisen & Ratcliff, Inc. in the amount of \$140,876.85 for Water and Sanitary Sewer Replacement Contract 2002 STM-L. It was the consensus of the City Council that the recommendation be adopted.

**C-19249
Ord. #15247
Westhill
Construction,
Inc.**

There was presented Mayor and Council Communication No. C-19249 from the City Manager recommending that the City Council:

- 1. Authorize the transfer of \$428,000.00 from the Water and Sewer Operating Fund as follows: \$80,000.00 to the Water Capital Project Fund and \$348,000.00 to the Sewer Capital Project Fund; and**
- 2. Adopt Appropriation Ordinance No. 15247 increasing estimated receipts and appropriations in the Water Capital Project Fund in the amount of \$80,000.00 and the Sewer Capital Project Fund in the amount of \$348,000.00 from available funds for the purpose of funding a renewal of contract with Westhill Construction, Inc. for Utility Cut Repair Contract 2001A;**
- 3. Authorize the City Manager to execute the renewal of a contract with Westhill Construction, Inc. in the amount of \$400,000.00 and 365 calendar days for Utility Cut Repair Contract 2001A.**

It was the consensus of the City Council that the recommendation be adopted.

**C-19250
S.H.U.C., Inc. &
J. L. Bertram
Construction &
Engineering, Inc.**

There was presented Mayor and Council Communication No. C-19250 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to execute a contract with S.H.U.C., Inc., in the amount of \$195,088.80 for the 1998 Capital Improvements Program (CIP) Contract 2001C Unit 1: Water and Sewer Replacements for 45 working days; and**
- 2. Authorize the City Manager to execute a contract with J. L. Bertram Construction & Engineering, Inc. in the amount of \$409,365.99 for the 1998 CIP Contract 2001C Unit II: Paving Improvements, Alternate No. 1 for 100 working days.**

It was the consensus of the City Council that the recommendation be adopted.

C-19251 CH2M Hill, Inc.	There was presented Mayor and Council Communication No. C-19251 from the City Manager recommending that the City Council authorize the City Manager to execute an engineering agreement with CH2M Hill, Inc. in the amount of \$99,193.00 for Water Replacement Contract 2002 STM-M. It was the consensus of the City Council that the recommendation be adopted.
Public Hearing 2928 Ennis Avenue HS-02-09	<p>It appeared that the City Council, at its meeting of August 27, 2002, continued the public hearing for the Appeal of the Order of the Building Standards Commission regarding 2928 Ennis Avenue. Mayor Barr asked if there was anyone present desiring to be heard.</p> <p>Mr. Carl Smart, Code Compliance Director, appeared before Council, gave a staff report regarding property located at 2928 Ennis Avenue, and requested that Council uphold the decision of the Building Standards Commission by assessing a civil penalty of \$1,150.00.</p>
Pamela Lamb	<p>Ms. Pamela Lamb, 4425 Normandy, owner of the property, appeared before Council in opposition of the civil penalty. She stated that she was unaware of the civil penalty and was making repairs to the interior of the structure when the City demolished it.</p> <p>There being no one else present desiring to be heard in connection with the Appeal of the Order of the Building Standards Commission regarding 2928 Ennis Avenue, Mayor Pro tempore McCloud made a motion, seconded by Council Member Davis, that the public hearing be closed and that Council modify the decision of the Building Standards Commission by assessing a civil penalty of \$250.00. The motion carried unanimously.</p>
Public Hearing 2511 Clinton Avenue Continued Until November 25, 2002	<p>It appeared that the City Council, at its meeting of August 27, 2002, continued the public hearing for the Appeal of the Order of the Building Standards Commission regarding 2511 Clinton Avenue. Mayor Barr asked if there was anyone present desiring to be heard.</p> <p>Mr. Carl Smart, Code Compliance Director, appeared before Council, gave a staff report regarding property located at 2511 Clinton Avenue, and requested that due to Council Member Lane's absence, Council continue the public hearing until November 25, 2002.</p>

Willie Ford

Ms. Willie Ford, 2509 Clinton, owner of the property, appeared before Council against the assessment of a civil penalty. She stated that she had been working with Council Member Lane's aide Patsy Steele, and Development Director Bob Riley. She added that she now had a better understanding of the City of Fort Worth guidelines and would like this case resolved.

There being no one else present desiring to be heard in connection with the Appeal of the Order of the Building Standards Commission regarding 2511 Clinton Avenue, Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the public hearing be continued until November 25, 2002. The motion carried unanimously.

**Public Hearing
4305 Avenue M
& Rear
Continued Until
October 22, 2002**

It appeared that the City Council, at its meeting of August 20, 2002, continued the public hearing for the Appeal of the Order of the Building Standards Commission regarding 4305 Avenue M and rear. Mayor Barr asked if there was anyone present desiring to be heard.

Mr. Carl Smart, Code Compliance Director, appeared before Council, gave a staff report regarding property located at 4305 Avenue M and rear, and stated that major repair had been made to the property and requested that Council continue the public hearing until October 22, 2002.

There being no one else present desiring to be heard in connection with the Appeal of the Order of the Building Standards Commission regarding 4305 Avenue M and rear, Council Member Moss made a motion, seconded by Council Member Davis, that the public hearing be continued until October 22, 2002. The motion carried unanimously.

Budget Hearing

It appeared to the City Council that they set today as the date for the continuation of a hearing in connection with the proposed Fiscal Year 2002-2003 Appropriation Ordinance and Ad Valorem Tax Levy Ordinances. Mayor Barr asked if there was anyone present desiring to be heard.

There being no one else present desiring to be heard in connection with the proposed Fiscal Year 2002-2003 Appropriation Ordinance and Ad Valorem Tax Levy Ordinances, Council Member Davis made a motion, seconded by Council Member Haskin, that the budget hearing be closed. The motion carried unanimously.

**Adopt 2002 Tax
Rate
Ord. #15248**

Council Member Moss introduced Ordinance No. 15248 providing for the levy and collection of an annual ad valorem tax on all property, real, personal and mixed, situated within the territorial limits of the City of Fort Worth, Texas, and all personal property owned in said City of Fort Worth, Texas, on the first day of January, A.D., 2002, except such property as may be exempt from taxation by the constitution and laws of the State of Texas, and made a motion to adopt the ordinance levying taxes and setting the tax rate for 2002 at \$0.6707 for maintenance and operation and \$0.1943 for debt service, seconded by Council Member Davis. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Haskin, Moss, and Davis

NOES: Council Members Silcox and Picht

ABSENT: Council Members Lane and Wentworth

**Adopt Budget
Ord. #15184**

Council Member Davis made a motion, seconded by Council Member Haskin, that Ordinance No. 15184 establishing appropriations for the 2002-2003 Fiscal Year, be adopted on second and final reading. The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Haskin, Moss, and Davis

NOES: Council Members Silcox and Picht

ABSENT: Council Members Lane and Wentworth

Mayor Pro tempore McCloud requested consideration of a \$50,000.00 increase to the Sister Cities budget for Fiscal Year 2002-2003.

City Manager Jackson requested that he be allowed, at the direction of the City Council, to evaluate the applicability of funding the increased Sister City allocation. Staff would look at the year close out of the hotel/motel resources and would bring back a recommendation to the City Council once the end of the year assessment was completed.

**ZC-01-018A
Continued Until
October 8, 2002**

It appeared that the City Council, at its meeting of August 13, 2002, continued the hearing of Zoning Docket No. ZC-01-018A, Text Amendment regulating telecommunications towers and stealth telecommunication towers. Mayor Barr asked if there was anyone present desiring to be heard.

There being no one present desiring to be heard in connection with the Text Amendment, Council Member Davis made a motion, seconded by Council Member Haskin, that Zoning Docket No. ZC-01-018A be continued until October 8, 2002. The motion carried unanimously.

**ZC-01-1078
Continued Until
November 5,
2002**

It appeared that the City Council, at its meeting of August 13, 2002, continued the hearing of Zoning Docket No. ZC-01-1078, Text Amendment requiring paving of driveways and parking areas in residential areas and regulating parking of oversized commercial vehicles and unlicensed vehicles in residential areas. Mayor Barr asked if there was anyone present desiring to be heard.

There being no one else present desiring to be heard in connection with the Text Amendment, Council Member Silcox made a motion, seconded by Mayor Pro tempore McCloud, that Zoning Docket No. 01-1078 be continued until November 5, 2002. The motion carried unanimously.

**ZC-02-186
Denied**

It appeared that the City Council, at its meeting of September 10, 2002, continued the hearing of the application of Hawa Elshaikh for a change in zoning of property located at 100 Beach Street from "E" Neighborhood Commercial to "FR" General Commercial Restricted, Zoning Docket No. ZC-02-186. Mayor Barr asked if there was anyone present desiring to be heard.

There being no one else present desiring to be heard in connection with the application of Hawa Elshaikh, Mayor Pro tempore McCloud made a motion, seconded by Council Member Silcox, that the Zoning Hearing be closed and that Zoning Docket No. ZC-02-186 be denied. The motion carried unanimously.

Zoning Hearing

It appeared to the City Council that Notice of Public Hearing set today as the date for the hearing in connection with recommended changes and amendments to Zoning Ordinance No. 13896, and that notice of the hearing had been given by publication in the Commercial Recorder, the official newspaper of the City of Fort Worth, on August 23, 2002. Mayor Barr asked if there was anyone present desiring to be heard.

Tim Ryon Mr. Tim Ryon, 6641 Pleasant Ridge, owner of the property, appeared before Council in support of the zoning change, allowing him to build a single home on the property.

ZC-02-202 Council Member Davis made a motion, seconded by Mayor Pro tempore McCloud, that the application of Tim and Patti Ryon for a change in zoning of property located in the 300 Block of Verna Trail North from "AG" Agricultural to "A-5" One-Family, Zoning Docket No. ZC-02-202, be approved by amending the zoning request to "A-43" One-Family. The motion carried unanimously.

 Mayor Barr directed City Manager Jackson and Development Director Bob Riley to ensure that future requests for zoning changes comply with the Council's goal of creating compatible neighborhoods.

ZC-02-214 It appeared that the City Council set today as the date for a hearing Ord. #15249 for Zoning Docket No. ZC-02-214, Text Amendment regulating Approved mobile vendors. Mayor Barr asked if there was anyone present Text Amendment desiring to be heard.

 Council Member Davis expressed appreciation to the Hispanic Chamber of Commerce for bringing two very unique interests together towards resolving this issue. She also requested City Manager Jackson provide a formal report to the Council relative to enforcement of the ordinance by the City as it applied to compliance by the commissaries.

 There being no one present desiring to be heard in connection with the Text Amendment, Council Member Davis made a motion, seconded by Council Member Moss, that the Zoning Hearing be closed, that Zoning Docket No. ZC-02-214 be approved with the following amendment, and that the following ordinance be adopted:

 Amend Section 2C. "Operational Requirements" to add Number 15 to read as follows:

 15. No more than one mobile vending unit per individual tract, parcel or platted lots shall be allowed.

ORDINANCE NO. 15249

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 9 TO AMEND THE DEFINITIONS OF VENDORS TO CORRESPOND WITH THE HEALTH CODE; AMENDING SECTION 5.406 TO RENAME THE TITLE TO "MOBILE VENDORS", TO ESTABLISH REGULATIONS CONCERNING MOBILE VENDORS AND TO AMEND THE EXEMPTION PROVISION TO PROVIDE FOR EVENTS, ACTIVITIES AND FESTIVALS LASTING NO LONGER THAN FOURTEEN DAYS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The motion carried by the following vote:

AYES: Mayor Barr; Mayor Pro tempore McCloud;
Council Members Silcox, Moss, Picht, and
Davis

NOES: Council Member Haskin

ABSENT: Council Members Lane and Wentworth

ZC-02-218
Continued Until
October 8, 2002

It appeared that the City Council set today as the date for a hearing for Zoning Docket No. ZC-02-218, Text Amendment renaming "Scenic Preservation Commission" as "Scenic Preservation and Design Review Commission", expanding powers and increasing the size of the commission. Mayor Barr asked if there was anyone present desiring to be heard.

There being no one else present desiring to be heard in connection with the Text Amendment, Council Member Silcox made a motion, seconded by Council Member Davis, that the Zoning Hearing be closed, that Zoning Docket No. ZC-02-218 be continued until October 8, 2002. The motion carried unanimously.

There being no one else present desiring to be heard in connection with the recommended changes and amendments to Zoning Ordinance No. 13896, Council Member Silcox made a motion, seconded by Council Member Davis, that the hearing be closed and that the following ordinance be adopted:

ORDINANCE NO. 15250

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY RESIDENCE AND OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF THE BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PURPOSE AND CONFLICT; PROVIDING CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

The motion carried unanimously.

**G-13735
Ord. #15251
Grant
Application to
FEMA for
Expansion of
Fire Department,
Fire Safety
Education
Program**

There was presented Mayor and Council Communication No. G-13735 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to apply for a one-year grant for up to \$123,000.00 to expand the Fire Department, Fire Safety Education Program; and**
- 2. Authorize the City Manager, subject to grant receipt, to enter into an agreement with the Federal Emergency Management Agency (FEMA) and adhere to grant specifications; and**
- 3. Authorize the City Manager to waive the collection of actual indirect costs, 29.95 percent of grant award, but recognize a like amount as in-kind contributions for a portion of the City's matching requirements for this grant; and**
- 4. Adopt Appropriation Ordinance No. 15251 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$123,000.00 subject to the receipt of funds from the Federal Emergency Management Agency, for the purpose of funding the expansion of the Fire Department's Fire Safety Education Program; and**
- 5. Approve the use of \$36,900.00 in in-kind donations.**

Mayor Pro tempore McCloud made a motion, seconded by Council Member Davis, that Mayor and Council Communication No. G-13735 Amended, be adopted with the following changes:

Recommendation Section

- a. Paragraph 1: Change the amount from "\$123,000.00" to "\$205,350.26"
- b. Paragraph 4: Change the amount from "\$123,000.00" to "\$205,350.26"
- c. Paragraph 5: Change the amount from "\$36,900.00" to "\$61,605.08"

Discussion Section

The second sentence of the first paragraph should read "These include classroom instruction, presentations, characterization (safety clowns), and distribution of informational literature at various schools, institutions, and events (such as Mayfest and Main Street Arts Festival)." the second sentence of the third paragraph should read "\$143,745.18" instead of "\$86,100.00", and targeting "127" instead of "120" schools. The motion carried unanimously.

G-13736
Ord. #15252
Grant from FAA
for Cargo Apron
& Taxi Lane
Improvements at
FW Alliance
Airport

There was presented Mayor and Council Communication No. G-13736 from the City Manager recommending that the City Council:

- 1. Authorize the City Manager to apply for and accept, if awarded, a grant from the Federal Aviation Administration (FAA) in the amount of \$4,000,000.00 for cargo apron and taxi lane improvements at Fort Worth Alliance Airport; and
- 2. Authorize the use of land credits in the amount of \$444,444.00 for the City's in-kind local match; and
- 3. Authorize the City Manager to execute a grant agreement with the FAA outlining the terms and conditions regarding use of the grant funds; and
- 4. Adopt Appropriation Ordinance No. 15152 increasing estimated receipts and appropriations in the Grants Fund in the amount of \$4,444,444.00 subject to receipt of the grant from the Federal Aviation Administration, for the purpose of funding cargo apron and taxi lane improvements at Fort Worth Alliance Airport.

City Manager Jackson stated that the grant amount needed to be amended from "\$4,000,000.00" to "4,300,000.00". Subsequently, the Recommendation and Discussion sections of the M&C also were amended as follows:

Recommendation Section

- a. Paragraph 1: Change "\$4,000,000.00" to "\$4,300,000.00"**
- b. Paragraph 2: Change "\$ 444,444.00" to "\$ 477,778.00"**
- c. Paragraph 4: Change "\$4,444,444.00" to "\$4,777,778.00"**

Discussion Section

- a. Change "\$4,444,444.00" to "\$4,777,778.00"**
- b. Change "\$4,000,000.00" to "\$4,300,000.00"**
- c. Change "\$ 444,444.00" to "\$ 477,778.00"**

Council Member Picht made a motion, seconded by Mayor Pro tempore McCloud, that Mayor and Council Communication No. G-13736 be adopted as amended. The motion carried unanimously.

**Executive
Session**

It was the consensus of the City Council that they recess into Executive Session at 12:15 p.m. to:

- 1. Seek the advice of its attorneys concerning the following pending or contemplated litigation or other matters that are exempt from public disclosure under Article X, Section 9 of the Texas State Bar Rules as authorized by Section 551.071 of the Texas Government Code:**
 - a) Bradley Hickey et al v. City of Fort Worth, Cause No. 348-185345-00;**
 - b) Jim Tate, J. R. Sullivan, Landon Stallings, Pat Vasquez, and Don Westmoreland v. City of Fort Worth, Cause No. 348-194395-02;**
 - c) Artie Dawson v. City of Fort Worth and Civil Service Commission, Cause No. 96-185912-00;**
 - d) Connie Bottoms v. City of Fort Worth, Civil Action No. 4:02-CV-0062-A;**

e) Legal issues concerning any City Council agenda item; and

- 2. Deliberate the purchase, sale, lease, or value of real property in accordance with Section 551.072 of the Texas Government Code. Deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third party; and**
- 3. Deliberate concerning economic development negotiations as authorized by Section 551.087 of the Texas Government Code; and**
- 4. Deliberate the deployment, or specific occasions for implementation, of security personnel or devices, in accordance with Section 551.076 of the Texas Government Code.**

Reconvened The City Council reconvened into regular session at 12:40 p.m.

Adjournment There being no further business, the meeting was adjourned at 12:40 p.m.